

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:

Exceptional Innovation, Inc.	:	Case No.: <b>19-50766</b>
Debtor.	:	Chapter: 7
	:	Judge: John E. Hoffman, Jr.
	:	

**TRUSTEE'S AMENDED<sup>1</sup> ABANDONMENT  
OF ALL BUSINESS ASSETS**

Deutsche Bank Trust Company Americas, as Security Agent ("DBTCA"), pursuant to that certain Facility Agreement dated June 30, 2015, has requested abandonment of all business assets of Exceptional Innovation, Inc. ("Debtor"). Christal Caudill, Trustee, pursuant to Bankruptcy Rule 6007 and Local Bankruptcy Rule 6007-1(b) hereby gives notice of abandonment of all of the business assets now owned by Debtor, including, but not limited to, all assets described in the attached Appendix ("Collateral").

After investigation, the Trustee has concluded that the Collateral is over burdened with liens in favor of DBTCA to secure an indebtedness in excess of U.S. \$12,000,000.00. Moreover, the Collateral is burdensome because of the cost to the estate of maintenance, insurance and storage of the Collateral.

No party in interest, before the conclusion of the 341 meeting, has filed a request for further notice of abandonment nor has further notice been ordered by the Court.

WHEREFORE, the Trustee abandons the Collateral, effective on the filing hereof.

/s/ Christal Caudill  
Christal Caudill, Trustee  
3757 Attucks Drive  
Powell, Ohio 43065

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<sup>1</sup> Amended solely to attach Schedules I and II inadvertently omitted.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2019 a copy of the foregoing *Trustee's Amended Abandonment of all Business Assets* was served electronically through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court.

Exceptional Innovation, Inc.  
480 Olde Worthington Rd., Suite 350  
Westerville, OH 43082

/s/ Christal Caudill  
Christal Caudill, Trustee  
3757 Attucks Drive  
Powell, Ohio 43065  
T: 614-389-4942  
F: 614-389-3857  
clcaudill@caudill-law.com

## Appendix

Trustee's Abandonment of Assets of  
**Exceptional Innovations, Inc.**  
Case No. 19-50766

All of the following property now owned by Exceptional Innovations, Inc., ("Debtor") or in which Debtor now has or at any time in the future may acquire any right, title or interest, including but not limited to the following (collectively "Collateral"):

- (a) all accounts, chattel paper, deposit accounts, documents (as defined in the UCC), equipment (including all located at 480 Old Worthington Rd., Westerville, Ohio 43082 and/or at Metro Data Center, 565 Metro Place South, Dublin, Ohio 43017), general intangibles (including all scheduled and unscheduled executory contracts), instruments, inventory (including all raw materials and finished goods inventory located at 2300 Citygate Dr., Columbus, OH 43219), investment property, letter of credit rights and any supporting obligations related to any of the foregoing;
- (b) all books and records pertaining to the other property described herein as Collateral;
- (c) all property of Debtor in the custody of or in transit to DBTCA ("Secured Party") for any purpose, including safekeeping, collection or pledge, for the account of such Debtor or as to which such Debtor may have any right or power, including but not limited to cash;
- (d) all other goods (including but not limited to fixtures) and (ii) personal property of such Debtor, whether tangible or intangible and wherever located; and
- (e) all of Debtor's patents providing for the grant by or to such Debtor of any right under any patent, including, without limitation those referred to on Schedule I hereto; all reissues, reexaminations, continuations, continuations in part, divisional, renewals and extensions of the foregoing, and all income, royalties, proceeds and liabilities at any time due or payable or asserted under an with respect to any of the foregoing, including, without limitation, all rights to sue and recover at law or in equity for any past, present and future infringement, misappropriation, dilution, violation or other impairment thereof
- (f) all of Debtor's trademarks providing for the grant by or to such Debtor of any right under any trademark, including, without limitation, those referred to on Schedule II hereto; all renewals and extensions of the foregoing; all goodwill of the business connected with the use of, and symbolized by, each such trademark; and all income, royalties, proceeds and liabilities at any time due or payable or asserted under and with respect to any of the foregoing, including, without limitation, all rights to sue and recover at law or in equity for any past, present and future infringement, misappropriation, dilution, violation or other impairment thereof; and

(g) all products and proceeds of any or all of the foregoing

## SCHEDULE I

### Patents and Patent Applications

Jurisdiction	Grantor	Title	Patent No.	Issue Date	Application No.	Application Date
U.S.	Exceptional Innovation, Inc.	Automation control system having a configuration tool	8,725,845	5/13/2014	11/686,875	3/15/2007
U.S.	Exceptional Innovation, LLC	Customizable remote control device	8,686,890	4/1/2014	12/127,550	5/27/2008
U.S.	Exceptional Innovation, LLC	Customizable media device	8,577,484	11/5/2013	12/153,182	5/14/2008
U.S.	Exceptional Innovation, LLC	Touch screen for convergence and automation system	8,271,881	9/18/2012	11/738,305	4/20/2007
U.S.	Exceptional Innovation, LLC	Internet protocol based media streaming solution	8,209,398	6/26/2012	11/686,836	3/15/2007
U.S.	Exceptional Innovation, LLC	Network based digital access point device	8,155,142	4/10/2012	11/686,826	3/15/2007
U.S.	Exceptional Innovation, LLC	User control interface for convergence and automation system	8,001,219	8/16/2011	11/686,893	3/15/2007
U.S.	Exceptional Innovation, LLC	Automation control system having device scripting	7,966,083	6/21/2011	11/686,889	3/15/2007

Jurisdiction	Grantor	Title	Patent No.	Issue Date	Application No.	Application Date
U.S.	Exceptional Innovation	Portable device for convergence and automation solution	7,962,130	6/14/2011	11,937,889	11/9/2007
U.S.	Exceptional Innovation	Air-cooling system configuration for touch screen	7,667,968	2/23/2010	11/751,582	5/21/2007
U.S.	Exceptional Innovation	Set top box for convergence and automation system	7,590,703	9/15/2009	11/727,518	3/27/2007
U.S.	Exceptional Innovation, LLC	Device automation using networked device control having a web services for devices stack	7,587,464	9/8/2009	11/686,846	3/15/2007
U.S.	Exceptional Innovation, LLC	Automation control system having digital logging	7,496,627	2/24/2009	11/686,884	3/15/2007
U.S.	Exceptional Innovation, LLC	Automation control system having a configuration tool and two-way ethernet communication for web service messaging, discovery, description, and eventing that is controllable with a touch-screen display	7,509,402	3/24/2009	11/686,896	3/15/2007

**SCHEDULE II**

Trademarks and Trademark Applications

Jurisdiction	Grantor	Mark	Registration No.	Registration Date	Serial No.	Application Date
U.S.	Exceptional Innovation LLC	EXCEPTIONAL INNOVATION (Design Plus Words)	3446891	6/10/2008	78899601	6/2/2006
U.S.	Exceptional Innovation LLC	(Design)	3446925	6/10/2008	78909459	6/15/2006
U.S.	Exceptional Innovation LLC	X EXCEPTIONAL INNOVATION (Design Plus Words)	3464371	7/8/2008	78899646	6/2/2006

Jurisdiction	Grantor	Mark	Registration No.	Registration Date	Serial No.	Application Date
U.S.	Exceptional Innovation LLC	EXCEPTIONAL INNOVATION	3574094	2/10/2009	78899582	6/2/2006
U.S.	Exceptional Innovation LLC	X (Design Plus Words)	3574099	2/10/2009	78909450	6/15/2006
U.S.	Exceptional Innovation LLC	X (Design Plus Words)	3657351	7/21/2009	77643238	1/5/2009
U.S.	Exceptional Innovation LLC	EXCEPTIONAL INNOVATION (Design Plus Words)	3657352	7/21/2009	77643252	1/5/2009
U.S.	Exceptional Innovation LLC	EXCEPTIONAL INNOVATION (Design Plus Words)	3657353	7/21/2009	77643269	1/5/2009
U.S.	Exceptional Innovation LLC	LIFE WARE	3677932	9/1/2009	78862982	4/17/2006

U.S.	Exceptional Innovation LLC	LIFE WARE CERTIFIED (Design Plus Words)	3690180	9/29/2009	77461044	4/29/2008
U.S.	Exceptional Innovation LLC	LIFE WARE UNIVERSITY (Design Plus Words)	3696419	10/13/2009	77317990	10/31/2007
U.S.	Exceptional Innovation LLC	LIFE STORAGE (Design Plus Words)	3697189	10/13/2009	78845333	3/24/2006
U.S.	Exceptional Innovation LLC	LIFE VISION (Design Plus Words)	3697190	10/13/2009	78845447	3/24/2006
U.S.	Exceptional Innovation LLC	LIFE CONTROLLER (Design Plus Words)	3701082	10/27/2009	77643130	1/5/2009

Jurisdiction	Grantor	Mark	Registration No.	Registration Date	Serial No.	Application Date
U.S.	Exceptional Innovation LLC	X (Design Plus Words)	3712883	11/17/2009	77496706	6/11/2008
U.S.	Exceptional Innovation LLC	LIFE WARE CONNECTED (Design Plus Words)	3747288	2/9/2010	77318015	10/31/2007

